

Notice of Allowability

Application No.

10/660,689

Examiner

Chester T. Barry

Applicant(s)

FREJBORG ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/12/07.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 2/17/04, 2/24/04, 2/28/05.

Examiner Comment regarding Rule 173 and Claim 12

Regarding the status identifier of claim 12, i.e., "(Thrice Amended)," the examiner is aware that the current text of reissue application claim 12 is identical to that of the patent. Accordingly, pursuant to 37 CFR 1.173(d),¹ no text of claim 12 is underlined or enclosed in brackets. The rule governing provision of the "parenthetical expression," a.k.a., claim status identifier, in reissue applications, 37 CFR 1.173(b)(2),² states in pertinent part that "[f]or any claim changed by the amendment paper, a parenthetical expression 'amended,' 'twice amended,' etc., should follow the claim number." Notwithstanding the fact that the current text of claim 12 is identical to that of patent claim 12, the parenthetical expression "(Thrice Amended)" for claim 12 is proper

¹ § 1.173 Reissue specification, drawings, and amendments.

(d) *Changes shown by markings.* Any changes relative to the patent being reissued which are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings:

(1) The ***matter to be omitted by reissue must be enclosed in brackets;*** and

(2) The ***matter to be added by reissue must be underlined,*** except for amendments submitted on compact discs (§§ 1.96 and 1.821(c)). Matter added by reissue on compact discs must be preceded with "<U>" and end with "</U>" to properly identify the material being added.

(emphasis added)

² § 1.173 Reissue specification, drawings, and amendments.

...
(b) *Making amendments in a reissue application.* . . . If amendment is made by an amendment paper, the paper must direct that specified changes be made, as follows:

...
(2) *Claims.* An amendment paper must include the entire text of each claim being changed by such amendment paper . . . For any claim changed by the amendment paper, a parenthetical expression "amended," "twice amended," etc., should follow the claim number. . . .

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because the text of claim 12 has changed three times during the course of this reissue prosecution, as shown *infra*. Patent claim 12 issued as:

recs.

12. A screen cylinder according to claim 11 wherein said slots have an extent sufficient to span, continuously and without interruption, in the axial direction two or more recesses.

... according to claim 11 wherein

On Sept 13, 2003, claim 12 was first amended in this reissue application to:

12. (Currently Amended) A screen ~~cylinder~~plate according to claim 11 wherein said slots have an extend sufficient to span, continuously and without interruption, in the axial direction two or more recesses.

On May 5, 2006, claim 12 was amended a second time to:

12. (Twice Amended) A screen cylinder according to claim 11 wherein said slots have an [extend] extent sufficient to span, continuously and without interruption, in the axial direction two or more recesses.

On Feb. 13, 2007, claim 12 was amended a third time amended to its current text:

12. (Three Amended) A screen cylinder according to claim 11 wherein said slots have an extent sufficient to span, continuously and without interruption, in the axial direction two or more recesses.

Accordingly, claim 12 as written complies with 37 CFR 1.173(b)(2) and 1.173(d).

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Examiner Comment Regarding Supplemental Oath filed 3/12/07

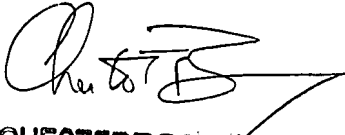
The oath filed 3/12/07 was of poor, but not fatal, legibility. Assignee is neither required nor requested to file via hard copy mail a more legible copy of the very same Supplemental Oath filed 3/12/07 even if one is readily available. Doing so would probably only unnecessarily delay issuance of the reissue patent.

The examiner notes that the Supplemental Oath filed 3/12/07, a pertinent part of which appears immediately below,

Original patent claim 15 failed to particularly point out and distinctly claim the invention insofar as original claim 10 did not provide adequate antecedent basis for "said cylindrical screening" and for "said backing cylinder."

states:

Original patent claim 15 failed to particularly point out and distinctly claim the invention insofar as original claim 10 did not provide adequate antecedent basis for "said cylindrical screening" and for "said backing cylinder."


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PRIMARY EXAMINER

571-272-1152